

### REMARKS

Claims 1-26 and 28 are pending in this application.

Claims 1, 10, 16, 20, and 26 are independent.

Claims 1-15, 26, and 28 stand rejected under 35 USC §103(a) as obvious over Kitchen et al. (U.S. Patent No. 6,289,322). Claims 16-25 stand rejected under 35 USC §102(e) as anticipated by Kitchen. The rejections are respectfully traversed.

The Examiner repeats the grounds of rejection found in the Official Action dated October 29, 2002, except that in rejecting claims 1, 6 and 7, the Examiner seemingly no longer takes Official notice of a certain feature. In particular, in the October 29, 2002 action the Examiner took Official Notice that determining the amount of an available bill based on relevant information transmitted from a user was well known, arguing that "in most situations, the biller has the responsibility to determine the amount and due date for payment of a bill based on the user's usage information (The prior arts will be provided upon requested by Applicant)".

In the prior Amendment, dated January 29, 2003, Applicants requested that the Examiner provide the offered prior art in support of the Official Notice. The Examiner has failed to provide the requested prior art in the final Official Action dated March 5, 2004, to which this filing is responsive.

In the final Official Action the Examiner no longer takes Official Notice. However, the Examiner once again argues "it is well known to determine the amount of the available bill based on the relevant information transmitted from the user. In most situations, the biller has the responsibility to determine the amount and due date fro payment of a bill based on the user's usage information (The prior arts will be provided upon requested by Applicant)." Thus, even though the Examiner no

longer explicitly takes Official Notice, the Examiner nonetheless rejects the claims on the same grounds upon which the claims were previously rejected.

Furthermore, in responding to the traversal arguments submitted on January 29, 2003, in response to the Official Action of October 29, 2002, the Examiner repeats verbatim arguments made in responding to traversal arguments submitted on July 23, 2002, in response to the Official Action of April 24, 2002.

Accordingly, all arguments traversing the prior art rejections and addressing the Examiner's response to prior traversal arguments (including those submitted in the prior response filed on January 29, 2003) are reasserted and incorporated herein in their entirety by reference.

Also, it is once again requested that the Examiner provide evidence supporting the prior Official Notice taken in the rejection of the claims (that it is well known to determine the amount of the available bill based on the relevant information transmitted from the user), if these rejections are to be maintained.

In responding to the traversal arguments submitted on January 29, 2003, in response to the Official Action of October 29, 2002, the Examiner states that "applicant stated that nothing in Kitchen's teach regarding the receipt of the determined amount of the available bill. Examiner respectfully disagrees. See figure 9A, the user receives a new bill with the determined amount."

The Examiner's position is not understood. As repeatedly discussed in prior responses, Kitchen explicitly discloses that the bill amount must be received from the **biller** and stored at the central station prior to the bill (including the amount) being electronically presented to the user. Figure 9A is an exemplary representation of such an electronic presentation. While Figure 9A shows a bill with an amount, that

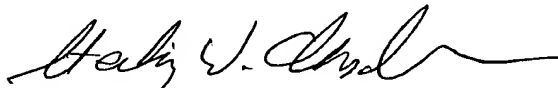
amount is an amount received from the biller. To the extent that the Examiner maintains the rejection, it is respectfully requested that the Examiner clarify the grounds for relying upon Figure 9A in rejecting the claims.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 01-2135 and please credit any excess fees to such deposit account.

Respectfully Submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Sterling W. Chandler  
Registration No. 51,370

Suite 1800  
1300 North Seventeenth Street  
Arlington, VA 22209  
Telephone: (703) 236-6081  
Facsimile: (702) 312-6666

SWC/slk